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U.S. DISTRICT COURT, E.D.N.Y.

★ NOV 03 2011 ★

LONG ISLAND OFFICE

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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EPHRAIM PLUMMER,

Plaintiff,

-against-

SUFFOLK COUNTY, VINCENT GERACI,
THOMAS MONTREUIL, OLIVER MCGAUGHEY,
THEODORE DAVIS, JOHN H. SCHULZ,
ANTHONY GERMANO, MARK HAWTHORNE,
JAMES ZAHN, JOHN MADDEN, JOHN DOE 1-10,

Defendants.
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ORDER
08-CV-3552 (TCP)(ETB)

PLATT, District Judge.

Before the Court is a Report and Recommendation ("Recommendation"), issued by Magistrate Judge Boyle on September 22, 2011, recommending that the Court dismiss Plaintiff's action without prejudice. The Recommendation is **ACCEPTED** and Plaintiff's action is **DISMISSED** without prejudice.

Section 636(b)(1)(B) of the Federal Magistrates Act provides that a district judge may "designate a magistrate to conduct hearings, including evidentiary hearings, and to submit to a judge of the court proposed findings of fact and recommendations for the disposition, by a judge of the court"

U.S. v. Male Juvenile, 121 F.3d 34, 38 (2d Cir. 1997) (*quoting* 28 U.S.C. § 636(b)(1)(B)). The district court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1)(C). Within fourteen days of being served the report and recommendation, any party may file an objection to the recommendations of the magistrate judge. *Id.* If an objection is filed, "[the] judge . . . shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made." *Id.*

“To accept the report and recommendation of a magistrate, to which no timely objection has been made, a district court need only satisfy itself that there is no clear error on the face of the record.” *Urena v. New York*, 160 F. Supp. 2d 606, 610 (S.D.N.Y. 2006).

No objection, timely or untimely, has been filed regarding Magistrate Judge Boyle’s Recommendation. The Court has reviewed the Recommendation; the Court is satisfied “that there is no clear error on the face of the record.” *Id.* The Court, therefore, **ACCEPTS** Magistrate Judge Boyle’s Recommendation and **DISMISSES** Plaintiff’s action without prejudice.

SO ORDERED.

Thomas C. Platt, U.S.D.J.

Dated: November 3, 2011
Central Islip, New York